

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRUSTEES OF THE NATIONAL
RETIREMENT FUND,

Plaintiff,

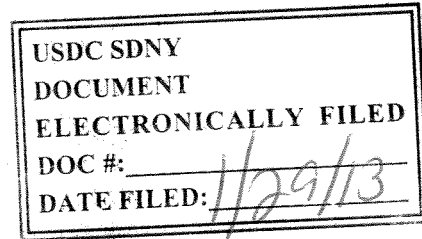
v.

BALL PARK LANES, INC. and JOHN
DOES 1-10 (all other trades or
businesses under common control with
Ball Park Lanes, Inc. doing business as
BALL PARK LANES),

Defendants.
-----X

ORDER

11 CV 0422 (VB)



The Court has been informed that the parties have reached a settlement in principle of this case. Accordingly, it is hereby ORDERED that this action is dismissed without costs and without prejudice to restoring the action to the Court's calendar, provided the application to restore the action is made by February 28, 2013.

Dated: January 29, 2013
White Plains, NY

SO ORDERED:

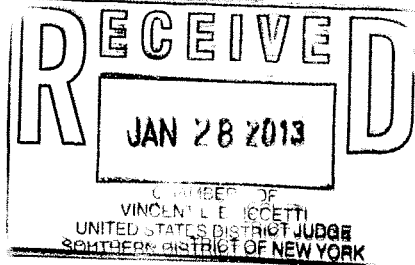
A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
United States District Judge



ALICARE, INC.
Third Party Administrators

An Affiliate of Amalgamated Life



David C. Sapp, Esq.
Associate Counsel and
Director of Litigation

333 Westchester Avenue
North Building - Second Floor
White Plains, New York 10604

January 28, 2013

VIA FACSIMILE (914) 390-4170

P: 914-367-5576
F: 914-367-2576

Honorable Vincent L. Briccetti
United States District Judge
United States District Court
Southern District of New York
United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

dsapp@amalgamatedlife.com

Re: Trustees of the National Retirement Fund -v.- Ball Park Lanes, Inc.
(11-CV-00422 (VLB))

Dear Judge Briccetti:

We represent the Trustees of the National Retirement Fund, plaintiffs in the above-referenced action to collect withdrawal liability from defendant Ball Park Lanes, Inc. under Title IV of ERISA.

Joined by Evangelos Michailidis, Esq., defendant's counsel, we are writing to advise the Court that the parties have reached an agreement on the terms and conditions of a settlement of all claims in the action, but the parties will require additional time to draft and circulate documents memorializing their settlement, including a Stipulation of Dismissal with prejudice. As a result of this development, the parties jointly respectfully request that the Court enter a thirty (30) day dismissal order permitting either party to apply within thirty (30) days of the date of such order to reinstate the action to your Honor's active docket in the event that the parties fail to conclude the settlement within that timeframe.

Mr. Michailidis has advised the undersigned that defendant joins in the instant application.

The Court's considerations are greatly appreciated.

Respectfully submitted,

David C. Sapp (DS5781)

cc(via e-mail): Evangelos Michailidis, Esq.